

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: [17-cv-06748-WHO](#)Case Name: Diazv. Tesla, Inc.

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF ATTORNEYS:	DEFENSE ATTORNEYS:
William H. Orrick	Larry Organ, Bernard Alexander, III, Cimone Nunley, Dustin Collier, Jonathan Rosenthal	Alex Spiro and Asher Griffin
TRIAL DATE: 3/28/2023	REPORTER:	CLERK:
8:01 a.m. to 1:38 p.m. 5 hours, 37 minutes	Marla Knox	Jean Davis

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION
		8:01 a.m.			Attorney conference conducted (jurors out) Objections to openings are overruled to the extent not waived by parties' failure to raise objections in real time. Admissibility of Exhibit 109 discussed. Access of expert Amy Oppenheimer to the
		8:05 a.m.			Court in recess
		8:35 a.m.			Jury seated; greetings by the Court
		8:37 a.m.			Plaintiff direct examination of Tom Kawaski (Organ) Counsel confirm that all exhibits are admitted by stipulation with the exception of Exhibit 109 previously discussed
38		8:42 a.m.	X	X	Email: Kawasaki to Romero re Owen's 7/31/15 complaint of "comments...racist in nature"
37		8:48 a.m.	X	X	Email: Ed Romero follow up with Kawasaki re Jamie discussion
39		8:52 a.m.	X	X	Email: Romero to Quintero re Owen's 7/31/15 complaint re Judy Timbreza "racially offensive remarks"
222		8:56 a.m.	X	X	Email: Owen promotion to lead, changed work week, pay increase
235		8:57 a.m.	X	X	Email: Diaz to Romero re Ramon threats
		9:02 a.m.			Defense cross examination of Tom Kawasaki (Spiro)
		9:59 a.m.			Plaintiff redirect of Tom Kawasaki (Organ)
40		10:02 a.m.	X	X	Email: Kawasaki follow up with Romero after Owen complaint
		10:06 a.m.			Defense follow up examination of Tom Kawasaki (Spiro)
		10:07 a.m.			Witness excused; court in recess

Case No: 17-cv-06748-WHOCase Name: Diaz v. Tesla, Inc.Date: March 28, 2023Courtroom Deputy: Jean Davis - Court Reporter: Marla Knox**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION
		10:23 a.m.			Outside the presence of the jury, defense raises concern regarding time use
		10:27 a.m.			Plaintiff direct examination of Michael Wheeler (Collier)
33		10:39 a.m.	X	X	Email: Owen complaint re racist effigy/Ramon Martinez to Ed Romero
133		10:40 a.m.	X	X	Caveman Inki
		10:45 a.m.			Defense cross examination of Michael Wheeler (Spiro)
	1	10:49 a.m.	X	X	Racist drawing on cardboard bale
	410	11:00 a.m.			Exhibit offered, admission denied
		11:10 a.m.			Plaintiff redirect of Michael Wheeler (Collier)
		11:11 a.m.			Witness excused
		11:13 a.m.			Plaintiff direct examination of Wayne Jackson (Alexander)
92		11:18 a.m.	X	X	Email: Owen complaint to Romero/Kawasaki re Ramon; Kawasaki forward to Jackson
103		11:22 a.m.	X	X	Email: Garrett and Jackson; need statements for Tesla HR
31		11:26 a.m.	X	X	Email: Owen complaint re Ramon Martinez threats to Ed Romero; nextSource discussion afterward
76		11:30 a.m.	X	X	Email: Jackson and Terri Garrett re Ramon and Owen incident; no formal investigation/written warning needed
274		11:36 a.m.	X	X	
272		11:38 a.m.	X	X	Email: Owen complaint to Romero re racist effigy (with pictures); Romero forward to nextSource
		11:43 a.m.			Defense cross examination of Wayne Jackson (Griffin)
		11:57 a.m.			Court in recess
		12:13 p.m.			Defense cross examination of Wayne Jackson continues (Griffin)
	49	12:14 p.m.	X	X	Email: Martinez to Romero/Josue Torres re Owen not professional
	254	12:17 p.m.	X		Objection to admission; document used to refresh witness recollection only.
		12:41 p.m.			Court in recess for juror concern
		12:48 p.m.			Plaintiff redirect of Wayne Jackson (Bernard)
284		12:51	X	X	Email: Owen complaint to Romero re racist effigy; Jackson discussion with Chartwell, they are investigating
		12:56 p.m.			Witness excused

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PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION
		12:58 p.m.			Plaintiff direct examination of Amy Oppenheimer (Collier)
		1:04 p.m.			Witness tendered as expert; objection overruled
		1:25 p.m.			Plaintiff direct examination concluded
		1:27 p.m.			Jurors excused with the admonishments of the Court; witness excused until 3/29/2023
		1:30 p.m.			Court addresses counsel outside the presence of the jury as to witness order and handling of exhibits.
		1:38 p.m.			Court in recess

Time calculations:

Plaintiff time remaining at the end of 3/27/2023: 8 hours, 4 minutes

Plaintiff time used 03/28/2023: 2 hours, 0 minutes

Plaintiff time remaining: 6 hours, 4 minutes

Defense time remaining at the end of 3/27/2023: 8 hours, 37 minutes

Defense time used 03/28/2023: 2 hours, 5 minutes

Defense time remaining: 6 hours, 32 minutes